

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA TOWNSEL,

Plaintiff,

Case No. 13-cv-10163

v.

HONORABLE STEPHEN J. MURPHY, III

CHAIRMAINE RAUPP, et al.,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION (document no. 22) AND DISMISSING THE COMPLAINT**

This is a prisoner civil rights case. Plaintiff Donna Townsel, acting pro se, has sued numerous individuals who worked at the Michigan Department of Corrections' Women's Huron Valley Correctional Facility ("WHV") where she was formerly incarcerated. The Court referred all pretrial proceedings to a United States Magistrate Judge for resolution or recommendation. On December 27, 2013, the Court adopted the magistrate judge's Report and Recommendation and granted summary judgment to defendant Chairmaine Raupp, who was the only one of twelve defendants to have been served.

Townsel last notified the Court of her address on December 16, 2013. Nevertheless, all mail that the Court has since sent to that address has been returned as undeliverable. On May 15, 2014, the magistrate judge ordered Townsel to show cause in writing within fourteen days why her complaint should not be dismissed for failure to prosecute. Order to Show Cause, ECF No. 21. Townsel did not respond. On June 2, 2014, the magistrate judge issued a Report and Recommendation ("Report"), recommending that the action be dismissed for failure to prosecute. The magistrate judge reasoned that Townsel was at fault for not advising the Court of any change of address and for not taking any action to serve

the remaining defendants, the time for service of process has long expired, Townsel had been twice warned that failure to comply with the Court's orders could lead to dismissal for failure to prosecute, and it is apparent that she has abandoned the litigation.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is required only if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. *See Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation "*de novo* if no objections are filed, it does not preclude further review by the district judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard").

Because Townsel did not file objections to the Report, de novo review of the Report is not required.¹ Having reviewed the Report, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report and dismiss the complaint for failure to prosecute.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 22) is **ADOPTED**.

IT IS FURTHER ORDERED that the complaint is **DISMISSED WITH PREJUDICE**.

¹ The Court notes that the copy of the Report sent to Townsel was returned as undeliverable. Mail Returned as Undeliverable, ECF No. 23.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 23, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 23, 2014, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager